



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,386	03/20/2001	Christopher Richard Uhlik	15685P093	3491

8791 7590 10/31/2003

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT PAPER NUMBER

2686

DATE MAILED: 10/31/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory ActionApplication No.
09/813,386Applicant(s)
Christopher Richard UhlikExaminer
Naghmeh MehrpourArt Unit
2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Sep 29, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see the attachment

3. ☐ Applicant's reply has overcome the following rejection(s):

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-25

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____

Art Unit: 2686

Response to Arguments

1. Applicant's arguments filed 9/29/03 have been fully considered but they are not persuasive.

In response to the applicant's argument that Fleek fails to disclose detecting a session renewal, and time limit to a communication session.

Examiner states as the applicant agreed Fleek acknowledgment timeout to the session time limit. Therefore, Fleek by using acknowledgment timeout, let the system know, that it is time for a new transmission, when a remote station receives a response to the request message from the base station, the base station listen on the first frequency for a hop cycle trailer signal. Upon seeing the signal, the station will hop to a second frequency indicated in the trailer signal. The second frequency is the frequency at which the stations communicate is the frequency at which the stations communicate with each other. If, however, a remote station does not receive a response by a certain time, it hops to a third frequency that is randomly chosen.

When remote station hops to the a third frequency the communication on first frequency is ended, therefore the session ended, and by hopping to the third frequency the session renewal and remote station claim renewing a communication session for a second session time limit.

Fleek on column 5 lines 36 specifically disclose that after remote station waits for amount of time, and begins the entire sensing and transmit procedure all over again.

Fleek continues on column 5, that after a packet has been transmitted, the station waits for an acknowledgment message to be sent by the destination statio of the original data packet . If after

Art Unit: 2686

a chosen acknowledgment timeout has been reached, no acknowledgment message has been received then the parameter K is incremented. The time limit is depend on the parameter K, can be set to any limit that the designer choose.. Therefore, Fleek does teach altering the tome limit.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Fleek teaches a communication device, that providing a session to a remote user terminal, the session having associated with a first session time limit (col 5 lines 47-59); upon lapse of the first session time limit (col 5 lines 47-59), the communication device determining whether a session renewal has been generated; and the communication device, if having determined that a session renewal has been generated, renewing the session for a second session time limit, and if having determined that a session renewal has not been generated, terminating the session (col 5 48-67, col 6 lines 1-5). Widegren teaches a method wherein the session renewal is caused by a priority status associated with the remote user terminal (col 3 lines 37-56), the Widegren system has a capability that the high priority go through before the call with low priority. Therefore, above teaching of Widegren can be combined to Fleek, in order provide more flexible and advance system. Widegren teaches an apparatus wherein the time limit is determined by a quality

Art Unit: 2686

of service parameter of the external entity. Therefore, Widegren system can be combined with Fleek system, in order provide better speech service with higher delay tolerance and congestion level.

2. Any responses to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive,
Arlington. Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The

Application/Control Number: 09/813,386

Page 5

Art Unit: 2686

examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703)305-4379.

NM

Oct 28, 2003

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600